

REMARKS

The Examiner allowed claims 36-40. Applicants gratefully acknowledge the Examiner's indication of allowable subject matter.

The Examiner rejected claims 25-30, 32, 34 and 35 under 35 U.S.C. §103(a) as allegedly being unpatentable over Watt (6,586,296) in view of Melen (4,041,519).

Applicants respectfully traverse the §103 rejections with the following arguments.

35 U.S.C. §103

The Examiner rejected claims 25-30, 32, 34 and 35 under 35 U.S.C. §103(a) as allegedly being unpatentable over Watt (6,586,296) in view of Melen (4,041,519).

The Examiner argues: "As for claims 25,26, the primary reference [Watt] discloses an N-type and a P-type transistors on a substrate having gates of different firm levels by virtue of the difference in material used to make the gates (see column 1, 50-60). Although it is notoriously known by the art to make transistors with vertical edges and that particular structure missing in the prior art, the secondary reference [Melen], however, clearly shows the structure as discussed in the first action. Therefore, it would have been obvious to one skilled in the art to terminate transistors with vertical edges, since straight-line cutting is the simplest method of individuating multiple transistors made on a single wafer."

In response, Applicants respectfully traverses the Examiner's allegation that "it is notoriously known by the art to make transistors with vertical edges". Accordingly, Applicants request that the Examiner provide evidence to support the preceding allegation.

Applicants respectfully contend that claim 25 is not unpatentable over Watt in view of Melen.

A first reason why claim 25 is not unpatentable over Watt in view of Melen is that the Examiner admits that: 1) the first gate structure allegedly disclosed by the primary reference of Watt is comprised by a first transistor (N-type); and 2) the second gate structure allegedly disclosed by the primary reference of Watt is comprised by a second transistor (P-type). Thus, Applicants respectfully contend that Watt does not disclose a first and second gates structure

comprised by a single transistor as required by claim 25.

A second reason why claim 25 is not unpatentable over Watt in view of Melen is that the Examiner's argument for modifying the primary reference of Watt by the alleged disclosure in the secondary reference of Melen (relating to the transistor body having first and second vertical edges) is not persuasive. The Examiner states: "Therefore, it would have been obvious to one skilled in the art to terminate transistors with vertical edges, since straight-line cutting is the simplest method of individuating multiple transistors made on a single wafer." The preceding argument by the Examiner is not persuasive, because:

- 1) the Examiner has not cited any evidence from the prior art to show that transistor body edges are formed by "cutting";
- 2) the Examiner has not cited any evidence from the prior art to show that "straight-line cutting" must form a vertical edge;
- 3) the Examiner has not cited any evidence from the prior art to show that "straight-line cutting is the simplest method of individuating multiple transistors made on a single wafer"; and
- 4) the Examiner has not cited any evidence from the prior art to show that the Examiner's allegation pertaining to "individuating multiple transistors made on a single wafer" has any relevance to forming transistors with vertical edges.

Based on the preceding arguments, Applicants respectfully maintain that claim 25 is not unpatentable over Watt in view of Melen, and that claim 25 is in condition for allowance. Since claims 26-30, 32 and 34-35 depend from claim 25, Applicants contend that claims 26-30, 32 and 34-35 are likewise in condition for allowance.

CONCLUSION

Based on the preceding arguments, Applicants respectfully believe that all pending claims and the entire application meet the acceptance criteria for allowance and therefore request favorable action. If the Examiner believes that anything further would be helpful to place the application in better condition for allowance, Applicants invites the Examiner to contact Applicants' representative at the telephone number listed below. The Director is hereby authorized to charge and/or credit Deposit Account No. 09-0456.

Date: 10/19/2004

Jack P. Friedman
Jack P. Friedman
Registration No. 44,688

Schmeiser, Olsen & Watts
3 Lear Jet Lane, Suite 201
Latham, New York 12110
(518) 220-1850